

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,  <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> Vladimir Vladimirovic Brik,  <p style="text-align: center;">Defendant.</p>	Case No. 15-cr-78(03) (SRN/BRT)  <b>ORDER ON REMAND</b>
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Vladimir Vladimirovic Brik, BOP Register No. 18466-041, FCI-Elkton, P.O. Box 10, Lisbon, Ohio 44432, Pro Se

SUSAN RICHARD NELSON, United States District Judge

This matter is before the Court on remand from the Eighth Circuit Court of Appeals, *Brik v. United States*, No. 23-1898 (8th Cir. May 1, 2023) [Doc. No. 799], with instructions to determine whether Mr. Brik is entitled to a certificate of appealability.

In this Court's March 16, 2023 Order [Doc. No. 790], the Court considered Mr. Brik's Motion to Reconsider Pursuant to Fed. R. Civ. P. 59(e) [Doc. No. 773], and his Request for Leave to Relate Back to and/or Reopen His Initial § 2255 [Doc. No. 782]. The Court denied both motions as successive habeas petitions, filed without certification from the Eighth Circuit. (Mar. 16, 2023 Order at 1, 4–5.)

On April 17, 2023, the Eighth Circuit denied Mr. Brik’s motion for authorization to file a successive § 2255 motion [Doc. No. 793], and issued its mandate [Doc. No. 794]. On April 28, 2023, Mr. Brik filed a Notice of Appeal [Doc. No. 796] of this Court’s March 16, 2023 Order.

In order to appeal an adverse decision on a § 2255 motion, a movant must first obtain a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B). A certificate of appealability cannot be granted unless the petitioner “has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This Court has considered whether the issuance of a certificate is appropriate here and finds that the basis for dismissal set forth in the March 16, 2023 Order—unauthorized successive habeas petitions—is not reasonably debatable. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000). Accordingly, because Mr. Brik has failed to make a substantial showing of the denial of a constitutional right, the Court declines to issue a certificate of appealability.

**SO ORDERED.**

Dated: May 2, 2023

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge